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**Testimony of Rep. Ann Hraychuck
Before the Senate Committee on Ethics Reform and Government Operations
Regarding Assembly Bill 713**

For a police officer, a routine traffic stop can turn into a deadly force situation in a heartbeat. Individuals who are determined to harm an officer do not care whether the officer works for the state, county, village, or tribal police departments. And they certainly do not care whether that officer's police department has a mutual aid agreement with another police department. What individuals do know is that if an officer calls for help, other officers will come at the speed of heat to assist their fellow officer.

On October 1, 2008, Attorney General J.B. Van Hollen issued a formal opinion asserting that the mutual assistance statute does not apply to tribal law enforcement agencies (OAG 8-08.) This opinion resulted in the termination of numerous instances of cooperation between county law enforcement and tribal law enforcement.

Because the partnership between these entities is particularly important in rural areas of the state where services are often limited to begin with, it became necessary to involve the Legislature in forming a solution. AB 713 is the result of a great deal of work by the Legislative Council State-Tribal Relations Committee, in consultation with tribal law enforcement and county sheriffs.

This bill redefines "law enforcement agency" in Wisconsin to include tribal law enforcement agencies. It also treats the matters of costs and liability in cases of assistance between a tribal agency and a non-tribal agency.

For example, if a Polk County Deputy makes a traffic stop near the reservation and the driver suddenly becomes combative and starts fighting with the deputy, the deputy can call for assistance from whomever is closest to his or her location, which would most likely be a tribal officer. In this scenario, Polk County assumes the costs and any civil liability for the assisting tribal officer. Under this bill, the same can be true when the situation is reversed.

Assembly Bill 713 ensures that a tribe is responsible for the costs when it requests assistance from a non-tribal law enforcement agency. This bill only allows a non-tribal agency, like the Polk County Sheriff's Department, to respond to a request for assistance from a tribal agency, like the St. Croix Tribal Police Department, at a location outside the non-tribal agency's jurisdiction if ONE of the following conditions is met:

- 1) The tribe has adopted a resolution waiving its sovereign immunity which would allow enforcement of this responsibility in state courts.

- 2) The tribe maintains insurance to cover these costs up to specified limits.
- 3) The tribal and non-tribal agencies have an agreement in place in which the non-tribal agency agrees to accept responsibility for these costs.

It is our responsibility as legislators to provide law enforcement with the necessary tools to protect the public and at the same time increase their chances of going home to their families at the end of their shift. This bill does both. Thank you Chair Risser and committee members for hearing this important public safety bill. I would be happy to answer any questions that you may have.



**Testimony in Support of AB 713
Tribal Mutual Assistance**

**Senator Jauch
March 17, 2010**

Thank you for meeting today to hear this bill that is important to the ongoing cooperation of tribal and county law enforcement. I am sorry I cannot be here today myself but appreciate the opportunity to share my support for the Tribal Mutual Assistance Bill.

I represent four Native American reservations in the 25th Senate District and they overlap different counties and various law enforcement agencies. Tribal law enforcement has become more professional in recent years and it is important to ensure absolute cooperation between tribal and non-tribal law enforcement agencies. These boundaries have become obstacles and we must take action to overcome them.

I have been involved in seeking the restoration of regular tribal and county law enforcement cooperation for well over a year. In October 2008 Attorney General Van Hollen issued a legal opinion that the statute governing mutual assistance among law enforcement agencies does not include tribal law enforcement. Prior to this opinion many agencies engaged in mutual assistance due to the lack of statutory clarity.

The result of the opinion virtually halted aid that had benefitted both tribal and non-tribal citizens for years. For instance, the Burnett County Sheriff's Department and the St. Croix Tribal Police Department had assisted each other regularly. The St. Croix occasionally allowed Burnett County the use of the tribal drug-sniffing dog in narcotics investigations. In 2008 prior to the Attorney General's opinion, there were 157 logged cases of mutual assistance. However, in the three months following the opinion, there were only 7. This is a striking example of how important mutual assistance is to many rural areas of Wisconsin.

The state must provide every tool to maximize cooperation and communication. This legislation makes a simple addition by adding tribal law enforcement agencies to the mutual assistance statute. In addition, the bill clearly addresses options that assure participating tribes will bear the responsibility of costs incurred, just as county sheriffs are now bound to do.

It is also important to note that mutual assistance is completely voluntary. This bill does nothing to change that. Should a tribal or non-tribal law enforcement agency not wish to engage in mutual assistance, they are not required. This legislation respects tribal sovereignty and the constitutional authority of sheriffs.

It is simply necessary to restore the trust and communication that have made mutual assistance between counties and tribes successful in many areas of rural Wisconsin. Mutual aid is an essential aspect of law enforcement cooperation that ensures that boundaries do not become walls.